THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22108 of 2005

Dated:16.10.2006

Between
B.S.Ramanjaneyulu

.....Petitioner

and

1.The District Collector, Chittoor
and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

ORDER:

This writ petiton is filed seeking Certiorari to call for the records relating to the Criminal Appeal No.199 of 2003 dated 20.07.2005 on the file of the District and Sessions Judge, Chittoor and quash the same as illegal and arbitrary.

It appears that the petitioner is the owner of the rice mill. On 26.12.1998, the premises of the petitioner was inspected by the Inspector of Police flying squad, Tirupathi. On that day, the petitioner was out of station. On demand, his mother opened the office room for verification of records. After verifying the same, the Inspector of Police found variation between the book stock and physical stock as mentioned below.

Sl.No.	Commodity	Book stock	Physical stock	Variation	Remarks
1.	Groundnut pod	4029 kgs.	40 kgs	3985 kgs	shortage
2.	Groundnut seed	14160 kgs	18800kgs	4640 kgs	Excess
3.	Groundnut Oil	3270 kgs	2980 kgs	290 kgs	Shortage
4.	Groundnut cake	6276 kgs	11200 kgs	4924 kgs	Excess

Thereafter, the stocks were seized and 6-A proceedings

were initiated. In the said proceedings, the Joint Collector directed confiscation of 50% of the seized stock. Aggrieved by the same the petitioner carried the matter in appeal under Section 6 (C) of the Essential Commodities Act (for short 'the Act') before the learned District and Sessions Judge, Chittoor in Criminal Appeal No.199 of 2003. The learned district Judge, through his order dated 20.07.2005, confirmed the order passed by the Joint Collector under Section 6-A of the Act. Aggrieved by the same, the present writ petition is filed.

There is no necessity to go into all the details. The seizure of the goods i.e., ground nut pod, groundnut seed, groundnut oil and groundnut cake were effected on 26.12.1988. The petitioner, all through, pleaded that there is no restriction on movement of groundnut and also groundnut products from 1985 and Government itself has removed the restriction. *In fact*, under similar circumstances, a writ petiton was filed before this Court and the same was allowed holding that the Government has no power for seizure of groundnut and ground nut products. In a reported Judgment this Court in ***District Collector, Chittoor v. Chittoor District Groundnut Traders' Association***[1] held that there is no restriction on movement of groundnut seeds and oil . Further, the same was confirmed by the Apex Court in ***District Collector, Chittoor v. Chittoor District Groundnut Traders'***

Association.[2].

As on the date of seizure of the stocks i.e., 26-12-1988, absolutely, there was no restriction on movement of ground nut etc; thus there was no power vested with the respondents for seizing the stocks and initiating action under Section 6-A of the Act.

In view of the above, the writ petiton is liable to be allowed and is accordingly allowed.

In the result, 6-A proceedings passed by the Joint Collector as confirmed in Criminal Appeal No.199 of 2003, dated 20.7.2005 on the file of the learned District & Sessions Jduge, Chittoor are quashed as arbitrary and illegal. No cost.s

16-10-2006

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[1] AIR 1988 AP 317

[2] 1989 (2) SCC 58